IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.10522 of 1998

Between:

1 Maruthi Cotton Company, rep.by Managing Partmer, Jayavarapu

Subba Rao, S/o Veerabhadra Rao, R/o.Etikuri Road, Guntur.
2 Sri Hanuman Cotton Corporation, rep.by it's Proprietor, Grandhi

Mohana Rao, S/o Vittal Rao, R/o.Etikuri Road, Guntur.
3 Venkateswara Cotton Gining Mill, rep.By it's Managing Partner,
Suryadevara Madhusudhana Rao, R/o.Etikuri Road,
Guntur.
4 Basaveswara Cotton Ginning Mill, rep.by Proprietor,Suryadevara

Ramesh, R/o.Etikuri Road, Guntur.
5 Basaveswara Cotton Traders, rep.by Proprietor,
Suryadevara Satyanarayana , R/o.Etikuri Road,
Guntur.
6 Vengamamba Cotton Corporation, rep.by it's Managing Partner,Gude

Naraiah, R/o. Etikuri Road, Guntur.
7 M/s. Lakshmi Venkata Ramana Cotton Company, Rep.by it's

Proprietor,Chundu Nageswara Rao, R/o.Etikuri Road,
Guntur.
8 Bhaskar Traders, rep.by Proprietor,Kalluri Suesh,
R/o.Etikuri Road, Guntur.
9 Venkata Naga Suvarchala Cotton Traders, rep.by Proprietor,P.Samba

Siva Rao, R/o.Etikuri Road, Guntur.
10 Sri Rajeswari Cotton Traders, rep.by Proprietor, Patibandla

Nageswara Rao, R/o.Etikuri Road, Guntur.
11 Uma Cotton Syndicate , rep.by Managing Partner,
Mandava Uma Maheswara Rao, R/o.Etikuri Road,
Guntur.
12 Venkateswara Cotton Traders, rep.by it's Proprietor,

Mannava Koteswara Rao, R/o.Etikuri Road,
Guntur.
13 Venkatesa Syndicate, rep.by it's Managing Partner,
Battula Venkata Swamy, R/o.Etikuri Road,
Guntur.
14 Lakshmi Prasanna Cotton Corporation, rep.by Prop: Bandaru Badri

Narayana, R/o.Etikuri Road, Guntur.
15 Leela Cotton Corporation , rep.by it's Proprietor,
Malempati Sambasiva Rao, R/o.Etikuri Road, Guntur.
16 Venkateswara Cotton Traders, rep.by it's Proprietor,
Lekkala Venkateswara Reddy, R/o.Etikuri Road, Guntur.
17 Gogineni and Company, rep.by it's prop: Gogineni Naga Murali,
R/o.Etikuri Road, Guntur.
18 Siva Cotton Corporation , rep.by it's Proprietor, Nutakki Lakishmana

Rao, R/o.Etikuri Road, Guntur.
19 Samba Siva Cotton Corporation, rep.by it's Proprietor,
Suryadevara Nageswara Rao, R/o.Etikuri Road,
Guntur.
20 Sri Sai Krishna Cotton Traders, rep.by it's Proprietor, Ch.Rama Mohan

Rao, R/o.Etikuri Road, Guntur.
S/o.Kumaraswamy
21 Seetha Ramachandra Sekhara Cotton Traders, rep.by it's Proprietor,

Gangireddi Gopala Reddy, R/o.Etikuri Road, Guntur.
S/o.Dasaradha Ramaiah
22 Gopi Enterprises, rep.by it's Proprietor, Gunatupalli Sambasiva Rao,
R/o.Etikuri Road, Guntur.
23 Venkata Vijaya Durga Cotton Traders, rep.by it's Proprietor,

K.Prasada Rao, R/o.Etikuri Road, Guntur.
24 Sri Srinivasa Industries, rep.by it's Partner: G.V.R.Prasad,
R/o.Etikuri Road, Guntur.
25 Veeranjaneya Cotton Corporation, rep.b Prop.Ch. Nageswara Rao,
R/o.Etikuri Road, Guntur.
26 Vasantha Cotton Corporation, rep.by it's Proprietor, Srinivasa Rao,
S/o.Gaddipati Srinivasa Rao, R/o.Etikuri Road,
Guntur.
27 Sri Srinivas Cotton Traders, rep.by it's Proprietor,P.Srinivasa Rao,
R/o.Etikuri Road, Guntur.
S/o.Saidaiah
28 Tirumala Cotton Ginning Mill, rep.by it's Proprietor, M.Venkata

Subbaiah, R/o.Etikuri Road, Guntur.
S/o.Ramaiah
29 Divaya Cotton Traders, rep.by it's Manging Partner,
J.Lakshma Reddy, R/o.Etikuri Road,
Guntur.
30 R.R.Cotton Traders, rep.by it's Partner, V.Brahmananda Reddy,
R/o.Etikuri Road, Guntur.
31 Vasavi Cotton Syndicate, rep.by Partmer M.Uma Maheswara Rao,
R/o.Etikuri Road, Guntur.
32 Sowbhagya Lakshmi Cotton Traders, rep.by it's Proprietor, M.Kishore

Reddy, R/o.Etikuri Road, Guntur.
33 Sri Gayatri Trading Company, rep.by it's PartnerK.Srinivasa Rao,
R/o.Etikuri Road, Guntur.
34 Vijaya Cotton Traders , rep.by it's Proprietor, Velpuri Nageswara Rao,
R/o.Etikuri Road, Guntur.
35 Sri Lakshmi Venkagamamba Cotton Corporation, rep.by it's

Proprietor, G.Sridhar, R/o.Etikuri Road, Guntur.

36 Sri Bramaramba Cotton Corporation, rep.by it's Partner,Meda

Satyanarayana, R/o.Etikuri Road, Guntur.
37 Vasavi Cotton Traders, rep.by it's Managing Partner,
Chinnam Subrahmanyam , R/o.Etikuri Road,
Guntur.
38 Rajendra Cotton Traders, rep.by it's Proprietor,
Mannava Krishnakumari, R/o.Etikuri Road, Guntur.
39 Sri Ravi Cotton Traders, rep.by it's Partner,
K.Chandrasekhar Rao, R/o.Etikuri Road,
Guntur.
40 Raghavendra Vanijya, rep.by it's Proprietor,
Gudivada Rambabu, R/o.Etikuri Road,
Guntur.
41 Sri sainath Traders, rep.by it's Partner,
Y.Manjulatha, R/o.Etikuri Road,
Guntur.
42 Sireesha Cotton Traders, rep.by it's Proprietor,
Mallu Gangireedy, R/o.Etikuri Road,
Guntur.
43 Venkateswara Cotton Traders, rep.by it's Proprietor,
Suryadevara Rajendra Prasad, R/o.Etikuri Road,
Guntur.
44 Lepakshi Cotton Ginning Mill, rep.by it's Proprietor,
K.Siva Reddy, R/o.Etikuri Road,
Guntur.
45 Vallen Cotton Traders, rep.by it's Proprietor,
Ch.Hariprasad, R/o.Etikuri Road,
Guntur.

(All are residents of Etikuri Road, Guntur)

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep. by it's Secretary, Food &

Agriculture Department, Secretariat, Hyderabad-4.
2 The Director of Marketing, Government of Andhra Pradesh,
B.R.K.R.Building, Hyderabad.
3 The Agricultural Market Committee, rep. by it's Secretary,
Pidugurall, Guntur District.

4 The Agricultural Market Committee, rep.by it's Secretary,
Narasaraopet, Guntur District.
5 The Agricultural Market Committee, rep.by it's Secretary,
Sattenapalli, Guntur District.
6 The Agricultural Market Committee, rep.by it's Secretary,
Macherla, Guntur District.
7 The Agricultural Market Committee, rep.by it's Secretary,
Guntur, Guntur District.
8 The Agricultural Market Committee, rep.by it's Secretary,
Pedanandipadu, Guntur District.
9 The Agricultural Market Committee, rep.by it's Secretary,
Chilakaluripet, Guntur District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to direct the respondents not to collect market fee under A.P. Agricultural Produce and Live Stock Markets Act 1966 on the cotton seeds being traded by the petitioners by issuing WRIT OF MANDAMUS or any other appropriate Writ Order or direction declaring the action of the respondents in compelling the petitioners to pay market fee on such cotton seeds as illegal and arbitrary.

Counsel for the Petitioners: MR.M.SRINIVASA RAO

Counsel for the Respondent Nos.1 and 2: GP for Foodand Agriculture

Counsel for the Respondent Nos.3 to 9: Mr. K. Madhava Reddy, SC for Agrl. Market Committee.

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents not to levy and collect market fee under the Andhra Pradesh Agricultural (Produce and Livestock) Markets Act, 1966 on the cotton seeds being traded by the petitioners.

When the matter is taken up today, it is submitted by the learned Standing Counsel appearing for respondents 3 to 9 and conceded by the learned counsel for the petitioners that the subject matter of the writ petition is squarely covered by a Division Bench judgment of this Court (W.P.No.25809 of 1995 and Batch, dated 01.01.1997) in **Narayana Rao & Sons v. Govt. of A.P**[1], wherein this Court considered similar issue and dismissed the writ petitions.

In the circumstances, following the said judgment, this writ petition is also dismissed for the same and similar reasons. No costs.

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N.V. RAMANA, J.

Date: 11.03.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Food & Agriculture Department, Government of

Andhra Pradesh, Secretariat, Hyderabad-4.
2 The Director of Marketing, Government of Andhra Pradesh,
B.R.K.R.Building, Hyderabad.
3 The Secretary, Agricultural Market Committee,
Pidugurall, Guntur District.
4 The Secretary, Agricultural Market Committee,
Narasaraopet, Guntur District.
5 The Secretary, Agricultural Market Committee,
Sattenapalli, Guntur District.
6 The Secretary, Agricultural Market Committee,
Macherla, Guntur District.
7 The Secretary, Agricultural Market Committee,
Guntur, Guntur District.
8 The Secretary, Agricultural Market Committee,
Pedanandipadu, Guntur District.
9 The Secretary, Agricultural Market Committee,
Chilakaluripet, Guntur District.

10 Two CCs to GP for Food and Agriculture Department, High Court

Buildings, Hyderabad (OUT)

11 Two CD copies